

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:73-CV-26

and

BAY MILLS INDIAN COMMUNITY,
SAULT STE. MARIE TRIBE
OF CHIPPEWA INDIANS,
GRAND TRAVERSE BAND OF
OTTAWA AND CHIPPEWA
INDIANS, LITTLE RIVER BAND
OF OTTAWA INDIANS, and
LITTLE TRAVERSE BAY BAND
OF ODAWA INDIANS,

Hon. Richard Alan Enslen

Plaintiff-Intervenors/Counter-Defendants,

v.

STATE OF MICHIGAN, *et al.*,

ORDER

Defendants/Counter-Claimants.

This matter is before the Court on multiple motions of Proposed Intervenors Michigan Fisheries Resource Conversation Coalition, Stuart Cheney, Robert Andrus and the Walloon Lake Trust Conservancy ("Proposed Intervenors"). These persons have previously been granted *amicus curiae* status, but have been denied intervention. Proposed Intervenors have moved: (1) to clarify or reconsider the Court's November 3, 2005 Order denying Proposed Intervenors' Renewed Motion to Intervene; (2) to immediately review the Motion to Clarify; (3) to stay further proceedings pending appeal of the November 3, 2005 Order; and (4) for immediate consideration of the Motion to Stay.

Upon review of the Motions and Responses, the Court determines that relief is unwarranted except to the extent that the Court has promptly resolved the Motion to Clarify. The November 3, 2005 Order was clear on its face. Clarification or reconsideration of that Order is unjustified, particularly given the multiple past rulings on the issue of intervention. As for the Motion to Stay and Motion for Immediate Consideration of the Motion to Stay, they have been rendered effectively moot by the Magistrate Judge's Order which adjourned trial for a separate purpose—to facilitate settlement discussions.

THEREFORE, IT IS HEREBY ORDERED that Proposed Intervenor's Motion to Clarify (Dkt. No. 1683) is **DENIED**.

IT IS FURTHER ORDERED that Proposed Intervenor's Motion for Immediate Consideration of Motion to Clarify (Dkt. No. 1684) is **GRANTED** only to the extent that the Court has made prompt ruling on the Motion to Clarify.

IT IS FURTHER ORDERED that Proposed Intervenor's Motion to Stay and Motion for Immediate Consideration of Motion to Stay (Dkt. Nos. 1685 & 1686) are **DENIED** as moot.

DATED in Kalamazoo, MI:
December 29, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE